

**RESOLUTION NO. 3042-13**

**A RESOLUTION OF THE TOWN COUNCIL  
OF THE TOWN OF WINDSOR  
APPROVING THE SECOND AMENDMENT TO THE JOINT POWERS AGREEMENT  
AND AN INDEMNITY AGREEMENT WITH THE SONOMA COUNTY WASTE  
MANAGEMENT AGENCY**

**WHEREAS**, the Sonoma County Waste Management Agency (“Agency”) is composed of all Sonoma County Cities and the County of Sonoma; and

**WHEREAS**, the Agency was formed to address the issues of regional waste management; and

**WHEREAS**, the County of Sonoma and its cities created a Joint Powers Agency to maximize development of a plan to comply with AB 939; and

**WHEREAS**, by September 9, 1992, all Members had entered into that certain Agreement titled “Agreement Between The Cities of Sonoma County and Sonoma County for a Joint Powers Agency to Deal with Waste Management Issues (Wood Waste, Yard Waste, Household Hazardous Waste, and Public Education)” (“Original Agreement”); and

**WHEREAS**, the Members are “public agencies” under the provisions of the Joint Exercise of Powers Act that authorizes the joint exercise of powers common to public agencies, Government Code Section 6500 *et seq.*; and

**WHEREAS**, on January 24, 1996, the Members entered into that certain agreement titled “First Amendment to Agreement Between the Cities of Sonoma County and Sonoma County for a Joint Powers Agency to Deal with Waste Management Issues” (“First Amendment”). This First Amendment, among other things, defined the term “Regional Agency” and declared the Members’ desire to use the structure of the Agency as a Regional Agency for purposes of Section 40971 of the California Public Resources Code, the Integrated Waste Management Act; and

**WHEREAS**, participating in the Agency is at no additional cost to the Town and provides the Town with an effective way of meeting State requirements under AB 939; and

**WHEREAS**, participants in the Original Agreement as amended by the First Amendment may elect to participate in any or all Agency programs; and

**WHEREAS**, the Agency Board of Directors requested Agency Counsel to prepare and present a draft “Second Amendment” to the Agency’s Original Agreement; and

**WHEREAS**, the purpose of the proposed Second Amendment is to clearly state the Agency’s ability to enact ordinances, and to create a framework to allow members to opt out of Agency “non-core” programs; and

**WHEREAS**, Agency Counsel has also prepared a draft Indemnity Agreement in order to indemnify members in the event of a legal challenge to the Agency's proposed single use carryout bag ordinance or related actions; and

**WHEREAS**, the proposed Second Amendment to Joint Powers Agreement and the proposed Indemnity Agreement have been duly considered by the Town Council at a regular meeting.

**NOW, THEREFORE BE IT RESOLVED** that the Town Council of the Town of Windsor approves the Second Amendment to Joint Powers Agreement with the Sonoma County Waste Management Agency and authorizes the Town Manager to execute the Amendment on behalf of the Town.

**BE IT FURTHER RESOLVED** that the Town Council of the Town of Windsor approves the Indemnity Agreement with the Sonoma County Waste Management Agency, substantially in the form attached with such modifications as may be approved by the Town Attorney, and authorizes the Town Manager to execute the Agreement on behalf of the Town.

**PASSED, APPROVED AND ADOPTED** this 6<sup>th</sup> day of November 2013, by the following vote:

**AYES: COUNCILMEMBERS ALLEN, FUDGE, OKREPKIE, SALMON AND  
MAYOR GOBLE**  
**NOES: NONE**  
**ABSTAIN: NONE**  
**ABSENT: NONE**

  
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**ROBIN GOBLE, MAYOR**

**ATTEST:**

  
  
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**MARIA DE LA O, TOWN CLERK**